

01/08/2004 16:11 3034433818

MARGOLIS ASSOC
POWER ENERGY FUELS
MARGOLIS ASSOC

PAGE 01

PAGE 02

APP. No 09/887,692

Approved for the Patent Office, U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Doclet Number (Optional)
P4136- DIV 2

In re Application of: Eugene Jackson, et al.
Application No.: 09/887,692
Filed: 06/18/01
For: A NOVEL METHOD FOR PRODUCTION OF MIXED ALCOHOLS FROM SYNTHETIC GAS

The owner, PowerEnercat, Inc. of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,248,796. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is released, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

PowerEnercat, Inc.

2. ☐ The undersigned is an attorney or agent of record.

by Eugene Jackson 01/08/04
Signature Date

Eugene R. Jackson, President

Typed or printed name

303/205-1991

Telephone Number

☒ Terminal disclaimer fee under 37 CFR 1.20(d) of \$55.00 is authorized to be charged to Deposit Account No. 131703.

Donald K. Margolis

Date

Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/GB06 may be used for making this certification. See MPEP § 324.

RECEIVED
CENTRAL FAX CENTER
JAN 08 2004

This collection of information is required by 37 CFR 1.321. The information is required to claim or retain a benefit by the public which is to be used by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1480, Alexandria, VA 22313-1480. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1480.

If you need assistance in completing the form, call 1-800-PTO-9198 and select option 2.

01/08/04 THU 17:41 [TX/RX NO 5864] @009

TD small